

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7131

BILL NUMBER: HB 1378

DATE PREPARED: Jan 4, 2001

BILL AMENDED:

SUBJECT: Battery on Athletic Competition Officials.

FISCAL ANALYST: Sherry Fontaine

PHONE NUMBER: 232-9867

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a defendant in a prosecution for battery or aggravated battery or a civil action in which an athletic competition official is an alleged battery or aggravated battery victim from using the following defenses: (1) Contact is an element of the athletic competition. (2) Risk is assumed by an athletic competition official supervising an athletic competition. The bill provides that the presumption may be rebutted upon a showing by clear and convincing evidence that the contact at issue was an integral part of the athletic competition.

Effective Date: July 1, 2001.

Explanation of State Expenditures: This bill narrows the defense for battery on athletic competition officials. By narrowing the defense, this bill may allow for more prosecutions for battery on athletic competition officials. The offense of battery is a Class A misdemeanor, Class D felony, Class C felony, or a Class B felony depending upon the nature of the offense. The following prison terms apply: (1) a Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances; (2) a Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances; and (3) a Class B felony is punishable by a prison term ranging from six to twenty years depending upon mitigating and aggravating circumstances.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months, for all Class C felony offenders it is approximately two years and, for all Class B felony offenders it is approximately three years, six months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony, Class C felony, or Class B felony is \$10,000. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. A Class A misdemeanor is punishable by up to one year in jail. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.